

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE V.CHITAMBARESH

FRIDAY, THE 30TH DAY OF MARCH 2012/10TH CHAITHRA 1934

WP(C).No. 6580 of 2012 (V)

PETITIONER(S):

M.P.SURESH, AGED 52 YEARS
AGED 52 YEARS S/O.LATE M.K.PRABHAKARAN CONTRACTOR RESIDING AT
MULLAMANGATH HOUSE KUREEKADU P.O THIRUVAMKULAM KOTTAYAM
PINCODE 682 305 ERNAKULAM DISTRICT

BY ADV. SRI.PEEYUS A.KOTTAM

RESPONDENT(S):

1. KERALA STATE CO-OP BANK LTD.
PB NO.3579, ANANDHI BATTACHARY PULLEPADY JUNCTION, CHITTOOR
ROAD, COCHIN 682 035, REPRESENTED BY ITS MANAGER
2. RECOVERY OFFICER
KERALA STATE CO OPERATIVE BANK LTD PB NO 3579 ANANDHI
BATTACHARY PULLEPADY JUNCTION CHITTOOR ROAD COCHIN 682 035
3. PRINCIPAL CHIEF CONSERVATOR OF FORESTS (S.F. & P)
DEPARTMENT OF FORESTS GOVERNMENT OF KERALA
TRIVANDRUM 695 001

BY ADV. SRI.K.RAVIKUMAR, SC, KERALA STATE COOPERATIVE BANK LTD.
BY SPL. GOVT.PLEADER SRI.M.P.MADHAVANKUTTY

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
30-03-2012, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX IN W.P.(C) NO. 6580 OF 2012

PETITIONER(S) EXHIBITS

- EXT.P1 TRUE COPY OF JUDGMENT DATED 02-11-2011 OF THIS HONOURABLE COURT IN OPC NO.3546/2011(O)
- EXT.P2 TRUE COPY OF DEMAND NOTICE NO.4803 DATED 07-02-2012 ISSUED BY 2ND RESPONDENT BANK TO PETITIONER.
- EXT.P3 TRUE COPY OF CERTIFICATE DATED 23-02-2012 ISSUED FROM SUNRISE HOSPITAL TO PETITIONER.

RESPONDENTS' EXHIBITS

NIL.

//TRUE COPY//

P.S. TO JUDGE.

V.CHITAMBARESH, J.

W.P.(C) No. 6580 of 2012

Dated this the 30th day of March, 2012

J U D G M E N T

The writ petition has been filed challenging Ext.P2 recovery notice issued by the first respondent Bank. The same reflects that a sum of Rs.3,50,000/- with interest is due from the petitioner towards a mortgage loan. The petitioner contends that he is entitled to substantial amounts in execution of a decree in Arbitration O.P.No.9 of 1997 - Sub Court, Trivandrum.

2. The Government Pleader on instructions submits that the amount due to the petitioner under the decree in the Arbitration case has been deposited on 22.3.2012 . About a sum of Rs.20 lakhs has been deposited in satisfaction of the decree in the arbitration case. Therefore, the petitioner can easily wipe off or regularise the loan due to the first respondent Bank now.

3. The petitioner is given a period of one month to regularise or to discharge the loan due to the first respondent

bank. No further directions are called for under the circumstances.

The writ petition is disposed of as above. No costs.

**V.CHITAMBARESH,
Judge.**

nj.

V.CHITAMBARESH, J.

W.P.(C) No. 6580 of 2012

JUDGMENT

Dated:- 30th March, 2012
